

Index File

ZM-88-04 and UP-646-04 King's Creek Developers, LLC

The property is located at 1681 Penniman Road (Route 641) and 112 Jones Drive (private road) and consists of approximately 25.1 acres with approximately 80 feet of frontage on Route 199.

Assessor's Parcel Nos. 11-3-E and 11-3-F

These applications are two components of a single development proposal and therefore are being considered together.

Application No. ZM-88-04 seeks to amend the York County Zoning Map by reclassifying, subject to voluntarily proffered conditions, approximately 25.1 acres located on the south side of Penniman Road from RR (Rural Residential) to EO (Economic Opportunity). The property is further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F.

Application No. UP-646-04, which is contingent on approval of the rezoning application, is a request for a Special Use Permit to authorize the construction of up to 400 timeshare units on the above-referenced property.

Attachments:

1. Staff Report
2. Zoning Map
3. Zoning Plat
4. Sketch Plan
5. Building rendering
6. Composite Exhibit
7. Proffer Statement
8. Project Narrative
9. Resolution No. PC05-8 (rezoning)
10. Resolution No. PC05-9 (use permit)

COUNTY OF YORK

MEMORANDUM

DATE: February 28, 2005 (PC Mtg. 3/9/05)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application Nos. ZM-88-04 and UP-646-04, King's Creek Developers, LLC

ISSUE

Application Nos. ZM-88-04 and UP-646-04 are two components of a single development proposal and therefore are being considered together.

- **Application No. ZM-88-04** seeks to amend the York County Zoning Map by reclassifying, subject to voluntarily proffered conditions, approximately 25.1 acres located on the south side of Penniman Road from RR (Rural Residential) to EO (Economic Opportunity). The property is further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F.
- **Application No. UP-646-04**, which is contingent on approval of the rezoning application, is a request for a Special Use Permit to authorize the construction of up to 400 timeshare units on the above-referenced property.

DESCRIPTION

- Property Owner: Alexander W. Jones et ux et al; applicant is contract purchaser.
- Location: 1681 Penniman Road (Route 641) and 112 Jones Drive (private road)
- Area: Approximately 25.1 acres
- Frontage: Approximately 80 feet on Route 199
- Utilities: Public water is available; sanitary sewer service is not currently available.
- Topography: Moderate and steep slopes are present throughout the site.
- 2015 Land Use Map Designation: Economic Opportunity and Low-Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Two single-family detached homes
- Surrounding Development:

North: Single-family detached home; Cheatham Annex beyond (across Penniman Road)
East: Five single-family detached homes and undeveloped property along Springfield Road (Route 687)
South: Undeveloped property of King's Creek Plantation
West: Three single-family detached homes and undeveloped property of King's Creek Plantation

- Proposed Development: A maximum of 400 timeshare units

BACKGROUND

These applications were first scheduled for public hearing at the Commission's September 8, 2004 meeting. At the request of the applicant, who wanted additional time to address a concern about building height expressed in the original staff report, the Commission continued the public hearing to the October 13 meeting, at which time the Commission tabled these applications indefinitely at the applicant's request. Since then, the applicant has modified this proposal by proffering that no buildings will exceed four (4) stories in height and that no buildings will be located within 50' of any residential property line... The applicant also submitted a specific concept plan for development of the property depicting the 50' buffer.

CONSIDERATIONS/CONCLUSIONS

1. On December 17, 1997, the Board of Supervisors approved an application (Application No. ZM-24-97) to rezone 147.3 acres along the Route 199/Penniman Road corridor to Conditional EO (Economic Opportunity) and an application for a Special Use Permit (Application No. UP-524-97) to authorize the establishment of a 1,100-unit timeshare resort, to be known as King's Creek Plantation, on this property. Construction is underway on this project, which is approximately 24% completed. The developer subsequently purchased four adjacent parcels, encompassing a total of 6.44 acres, and received approval from the Board of a rezoning and a Special Use Permit for the purpose of incorporating them into the project. King's Creek Developers, LLC now has a contract to purchase portions of two adjacent parcels, encompassing a total of 25.1 acres, and wishes to construct up to 400 timeshare units thereon as part of King's Creek Plantation.
2. Both parcels are owned by a single property owner, who lives in a single-family detached home located on one of the parcels (112 Jones Drive), which is approximately 5.91 acres in area. She wishes to retain this home site, while conveying the remainder of the property to the applicant for time-share development. She also wishes to sell most of the second parcel, which measures 22.43 acres in area, to King's Creek Plantation while retaining a home site for a family member. To accomplish this, the applicant is seeking to rezone from RR to EO all but 1.5 acres of each parcel, which corresponds with the minimum lot size for a single-family detached home when public water is available and public sewer is not, which is the

case for these parcels. When this property is developed for time-share units, the developer will extend public sewer to this area, including the two home sites, which will then be subject to the customary one-acre minimum lot size in the RR zoning district. At that time, the applicant plans to purchase an additional half-acre from each of these properties and apply for another rezoning and Special Use Permit for the purpose of incorporating the additional acre into the timeshare resort.

3. According to the applicant, King's Creek Plantation is about 24% built out. Existing development consists of a mix of detached and attached units, some with lockout units and some without. If these applications are approved, the maximum gross density of the development, at full build-out, would increase from approximately 7.0 to 8.2 units per acre. By itself, the subject property would have a maximum gross density of approximately 16 units per acre. Since steep slopes and the Chesapeake Bay Resource Protection Area preclude development on portions of the site, the *net* density would be somewhat higher.
4. The Comprehensive Plan designates most of this area as Economic Opportunity. The Economic Opportunity designation “recognizes the presence of a full I-64 interchange and the potential for extension of public utilities to serve a mix of office, commercial, tourist-related, and light industrial uses.” Because of its proximity to the greater Williamsburg area, Busch Gardens, Water Country USA, historic Yorktown, and a full interchange at Interstate 64, this property is ideally situated for tourist-oriented commercial development such as timeshare units. The plan also notes “The Springfield Road/Jones Drive area along Penniman Road contains scattered residential development and is designated Low Density Residential.” Jones Drive is a private road that currently serves one single-family detached home, which is a subject of this application. None of the property proposed for rezoning abuts Springfield Road.
5. The original sketch plan submitted for this development did not depict how the property would be developed. In the absence of a plan, staff expressed concern in the August 30, 2004 staff report about giving blanket approval to a project that created the potential for the development of six-story 90-unit “lodge-style” structures within 35 feet of residential properties on Springfield Road. In order to protect adjacent residentially zoned properties from visual and noise impacts associated with such large-scale structures, staff recommended that any timeshare units within 125 feet of any residential property line be limited to cottages and duplexes only. The Commission tabled both applications at the request of the applicant, who wanted additional time to address this concern. The applicant has since submitted a revised sketch plan, proffer statement, and project narrative for the development of the property. Specifically, the applicant has modified the proposal by proffering that no buildings will exceed four (4) stories in height and that no buildings will be located within 50’ of any residential property line, and the applicant also submitted a specific concept plan for development of the property that depicts generally how the property will be developed, including the 50’ buffer. In addition, as in the original application, the applicant has proffered that the property will be developed exclusively for timeshare units and that development will be in general conformance with the

submitted sketch plan. The applicant also has proffered that access to the subject property will be internal to the development (off of the existing Tranquility Drive, which is a private street), although there will be a gated emergency access road for fire and rescue trucks, ambulances, etc.

The applicant also submitted a project narrative, which is referenced in the proffer statement and states that development of the property “will continue the architectural theme introduced in the first five phases of KCP, and landscaping treatments will similarly complement the extensive landscaping installed in the first five phases.” With regard to the types of units that could be built, the project narrative states that the additional units would consist of detached and/or attached units of one to four stories.

6. The property proposed for rezoning abuts several residentially zoned parcels, but the number of actual adjacent homes is approximately six – four that front on Penniman Road and two on Springfield Road. If the rezoning application is approved, the applicant has proffered to provide a continuous Type 35 (35') landscaped transitional buffer along the entire eastern boundary (between the proposed timeshares and residential property on Springfield Road) and along the western boundary abutting residential parcels on Penniman Road. Where the timeshare development would abut the two home sites that are part of this application (one existing and one future), the current owners of the parcels have agreed to provide the Type 35 transitional buffers on the residential side of the property line. Ordinarily the Zoning Ordinance would require the timeshare developer to provide only a 17.5-foot buffer – or no buffer at all, depending on the lot size – where the timeshare property abuts undeveloped RR-zoned property. As noted earlier, there will be an additional 15' strip contiguous to the transitional buffer within which no buildings will be located.
7. The applicant has submitted a traffic impact analysis for the proposed expansion of King's Creek Plantation. Based on traffic counts recently taken at Kings Creek Plantation, the applicant's traffic engineer estimates that the proposed expansion would generate an additional 72 average daily trips in the AM peak hour and 78 in the PM peak hour. The development has a single point of access to the public road system where Tranquility Drive – the private entrance road into the development – intersects Penniman Road and Route 199, forming an unsignalized four-way intersection. As the project approaches build-out, increased delays will be experienced by cars exiting the resort. The likely effect on the public road system, as stated in the traffic study, is “that an increasing number of drivers leaving King's Creek Plantation will turn right and use the Colonial Parkway as an alternative route. This will add trips to a lower capacity road, rather than utilizing the higher capacity arterial, Route 199, available if vehicles exit by turning left. As delays increase, some drivers may attempt to turn into shorter gaps in traffic. This increases the risk of incidents at the intersection and will impose delays on the through traffic when the through vehicles brake to avoid collision with the KCP traffic.” Staff and the Virginia Department of Transportation (VDOT) share these concerns, and for that reason a condition of previous site plan approvals for Kings Creek Plantation requires the developer to conduct a signal warrant analysis prior to the completion of 75% (825 units) of the original 1,100 units

to determine if a traffic signal is needed at this intersection. According to the applicant's traffic engineer, it is likely that a signal will be needed at that time and that, with a traffic signal in place, the addition of 400 units will not make a difference. Staff believes that, in the event that the signal warrants are not met at 75% of build-out, the developer should be required to perform a second signal warrant analysis prior to the construction of the 1,101st unit. Proposed Condition No. 6 in the use permit Resolution would accomplish this.

8. In accordance with the Historic Resources Management overlay district standards set forth in Section 24.1-374(d) of the Zoning Ordinance, the applicant submitted a Phase I archeological study for this project. Archeologists conducted 273 shovel tests that yielded a handful of artifacts that are, according to the applicant's archeological consultants, ephemeral in nature and lacking in research value. These include 20th Century ceramic fragments, belt buckle fragments, and a brick fragment. The Virginia Department of Historic Resources (DHR) has reviewed the study and determined that the archeological sites are not eligible for the National Register of Historic Places and that a Phase II study will not be needed for the subject property.
9. The subject property has several environmental constraints including steep slopes (greater than 20%), wetlands, and a Chesapeake Bay Resource Protection Area (RPA). Accordingly, any development on this property will be subject to the provisions of the Environmental Management Area Overlay District set forth in the Zoning Ordinance, which require the submission of a Natural Resources Inventory and, in the event that any permitted development – such as walking trails – is constructed in the RPA, a Water Quality Impact Assessment.
10. Kings Creek Plantation and the timeshare industry in general have had a significant positive impact on York County's economy. According to the Commissioner of the Revenue, King's Creek Plantation is the eighth highest property taxpayer in the County, with a total assessed valuation of over \$24 million and annual revenues, in FY04, of \$211,700. According to the applicant, other taxes and fees generate additional revenues in excess of \$500,000 annually. King's Creek Plantation is also the sixth-largest private employer in the County, employing over 200 total workers (full-time and part-time). Fairfield, which owns and operates three timeshare resorts in the County, ranks third on the list of principal property taxpayers and fourth among major private employers. These figures do not include the immeasurable spin-off effects – such as sales and meals tax revenue – of timeshares and the visitors who inhabit them nor the economic benefits of the many hotel room nights purchased by timeshare companies for prospective timeshare purchasers. Clearly the timeshare industry has assumed a large role in the County's tax base and employment base.

RECOMMENDATION

King's Creek Plantation is an attractive development that gives visitors a favorable impression of the County along a major gateway into historic Yorktown, and if the property is developed utilizing the same development character and design theme, it would, in staff's opinion, have no adverse impacts on surrounding properties or on

County services, facilities, and infrastructure. Staff's concern that the original proposal created the potential for development of six-story structures within 35 feet of existing residential properties and possible noise and visual impacts of such structures on those properties has been satisfactorily addressed by the applicant with the proffered four-story height limitation and 50' buffer in this location.

The Comprehensive Plan envisions this area as a prime location for tourist-oriented commercial development while respecting the need to protect existing residences in the area, and staff believes that, with the proffered transitional buffers and the proposed limitation on six-story structures, these applications are generally consistent with that guidance. Therefore, staff recommends that the Commission forward Application Nos. ZM-88-04 and UP-646-04 to the Board of Supervisors with a recommendation of approval. This may be accomplished through the adoption of Resolution Nos. PC05-8 and PC05-9, respectively.

TCC

Attachments

- Zoning Map
- Zoning Plat
- Sketch Plan
- Building rendering
- Composite Exhibit
- Proffer Statement
- Project Narrative
- Resolution No. PC05-8 (rezoning)
- Resolution No. PC05-9 (use permit)

Copy to: Billie Millner

APPLICANT
Kings Creek Plantation, LLC
Reclassify zoning from RR to EO

ZONING MAP

APPLICATION NUMBER: ZM-88-04

CHEATHAM ANNEX

RC

EO

RR

Property of ALEXANDER WASHINGTON JONES ETUX

RR

RR

Property of ALEXANDER WASHINGTON JONES ETUX

EO

EO

IL

IL

EO

EO

ROUTE 199

* = Conditional Zoning

0 300 600 1,200 Feet

Printed on August 09, 2004



LIBRARY TILE NUMBER:

Lr007

**SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE**

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

PENNIMAN ROAD
S.R. 641
VARIABLE WIDTH R/W
C1

L=50.02'
R=715.00'

20' DRAINAGE
& UTILITY
EASEMENT
P.B. 9, PG. 47

10' DRAINAGE
& UTILITY
EASEMENT
P.B. 9, PG. 47

SURVEY
TIE-LINE
ONLY

FROM POINT
"C" TO "D"
PROPERTY LINE
IS CENTERLINE
OF RAVINE
P.B. 9, PG. 47

PARCEL "F"
ALEXANDER W.
JONES, ET AL
D.B. 498, PG. 693
22.43± AC.

N/F
KINGS CREEK PLANTATION
INSTRUMENT NO.
020011940

YORK COUNTY
DATUM

LINE TABLE		
LINE	LENGTH	BEARING
L1	58.85'	S41°29'45"E
L2	124.54'	S44°21'53"E
L3	27.01'	S31°31'01"E
L4	37.93'	S31°41'53"E
L5	115.13'	S12°03'01"E
L6	143.74'	S26°32'55"E
L7	188.81'	S78°38'13"E
L8	187.41'	S73°18'35"W
L9	87.91'	N53°05'20"W
L10	89.09'	N80°39'21"E
L11	160.01'	N62°47'00"W
L12	47.61'	N26°35'57"W
L13	92.06'	N26°38'25"W
L14	54.28'	N19°43'23"W
L15	100.13'	N63°15'25"E
L16	188.48'	N28°14'40"W
L17	98.64'	N49°17'00"W
L18	188.79'	N26°44'40"W
L19	206.31'	N45°00'20"E
L20	262.10'	N44°57'45"W
L21	53.95'	N67°06'11"E
L22	132.49'	S21°39'45"E
L23	110.77'	S12°30'49"E
L24	86.10'	S18°20'13"W
L25	75.78'	S18°29'45"E
L26	90.58'	S07°02'45"E
L27	350.82'	S22°43'40"E



(IN FEET)
1 inch = 100 ft.

**LANDMARK
DESIGN GROUP**

Engineers • Planners • Surveyors
Landscape Architects • Environmental Consultants
4029 IRONBOUND ROAD SUITE 100
WILLIAMSBURG, VIRGINIA
(757) 253-2975 FAX (757) 228-0049



PROPERTY TO BE RE-ZONED FROM
RR (RURAL RESIDENTIAL) TO EO
(ECONOMIC OPPORTUNITY)
AREA = 1,095,341 S.F.
25.1456 AC.

ADJOINING OWNERS

- | | |
|---|--|
| ① N/F
RICKY S. COLEMAN, ET UX
D.B. 434, PG. 306 | ⑥ N/F
VERMA S. LEWIS, ET AL
INSTR. NO. 000022237 |
| ② N/F
TAMMIE A.
RICHBURG-HICKS.
INSTR. NO.
010006823 | ⑦ N/F
DANIEL JACKSON, ET UX
D.B. 231, PG. 344 |
| ③ N/F
JGUSTIN & JUDITH C. PEREZ,
TRUSTEES
INSTR. NO. 020004976 | ⑧ N/F
PETER M. KILOPOULOS
D.B. 352, PG. 521 |
| ④ N/F
ROGER D. & LINDA P.
HOWELL, TRUSTEES
D.B. 933, PG. 891 | ⑨ N/F
KITTY MESSER, LLC
INSTR. NO. 02000353 |
| ⑤ N/F
VERMA S. LEWIS, ET AL
INSTR. NO. 000022237 | ⑩ N/F
LAWRENCE I. JONES, ET UX
D.B. 152, PG. 404 |

CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING
C1	256.56'	715.00'	129.69'	255.21'	N70°51'31"E
C2	82.35'	50.00'	26.88'	49.99'	N45°03'28"E



**LANDMARK
DESIGN GROUP**
Engineers • Planners • Surveyors
Landscape Architects • Environmental Scientists

PROGRESS
PRINT

NOT FOR
CONSTRUCTION

01/06/05

DRAWING STATUS	Interoffice Review	COUNTY APPROVAL
	Client for Review	
	Pre Approval Blinding	
	1st Submitted	
	2nd Submitted	
	3rd Submitted	

JONES ACQUISITION EXHIBIT
KING'S CREEK PLANTATION
BRUTON MAGISTERIAL DISTRICT, YORK COUNTY, VIRGINIA
KING'S CREEK PLANTATION I I C

Designed: CRO	Date: 01/06/08
Checked: CRO	Scale: 1"=60'
File Mgr./Drawn: BSQ	CADD File no: Prelim.dwg
Project Number: 1970093-009/01	Dwg. File No: 15656 W
Drawing Number	

STATISTICAL DATA
UNITS PERMITTED=400
UNITS PROPOSED=384

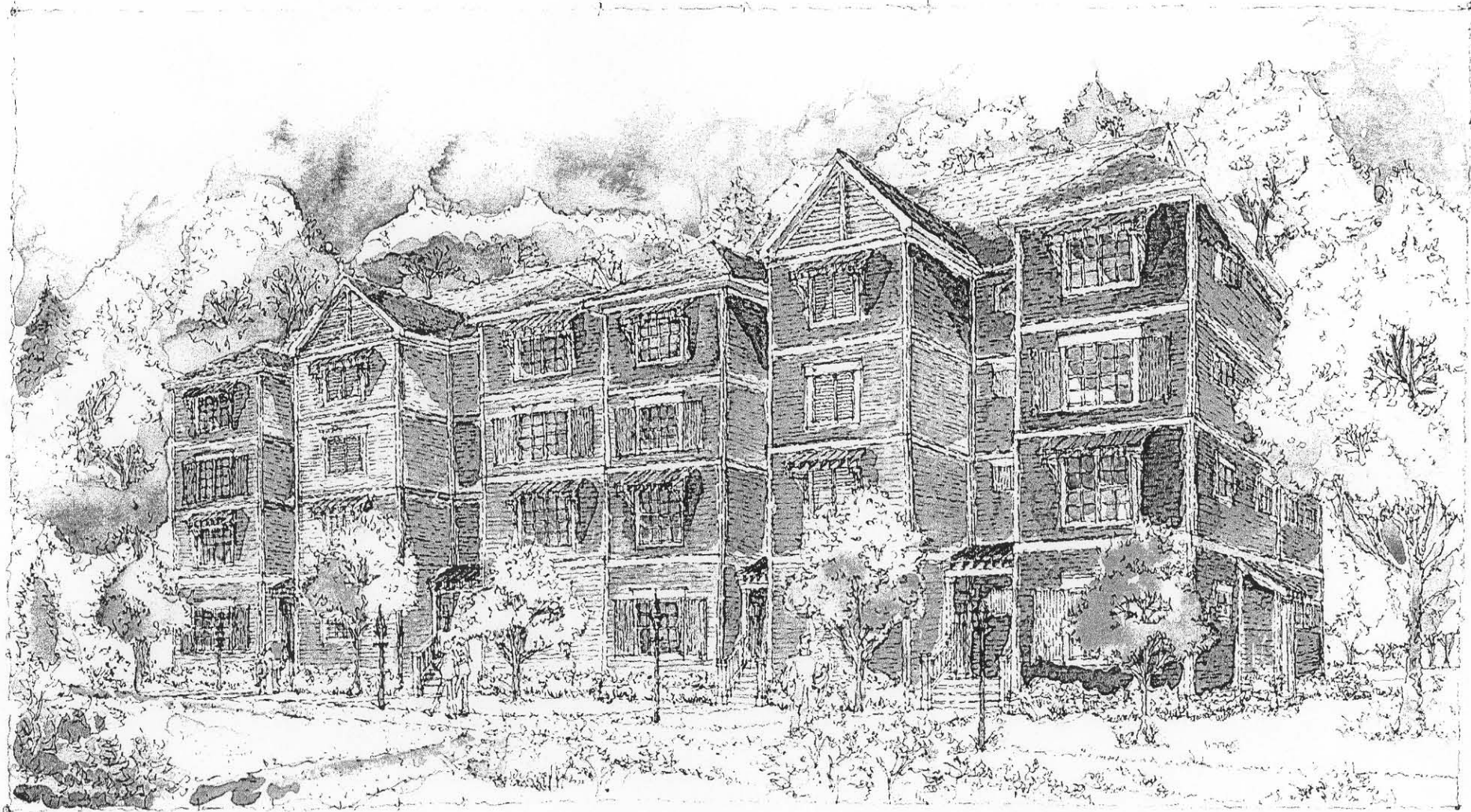
PARKING REQUIRED=512
PARKING PROVIDED=546

ZONED: RR

PLAN SCALE: 1"=60'

GRAPHIC SCALE IN FEET





SPI & SPJ BUILDING ELEVATION
KINGS CREEK PLANTATION
JONES TRACT
01/06/05

EXISTING AND FUTURE DEVELOPMENT SUMMARY

EXISTING

PHASE I-SPA	29 Cottages Clubhouse Swimming Pool
PHASE I-SPB	4 Cottages 2 Tennis Courts
PHASE I-SPC	37 Cottages Maintenance Facility
PHASE I-SPD	40 Cottages Aquatic Center
PHASE I-SPE	116 Townhouse Cottages Swimming Pool
SUB-TOTAL	226 Units

FUTURE

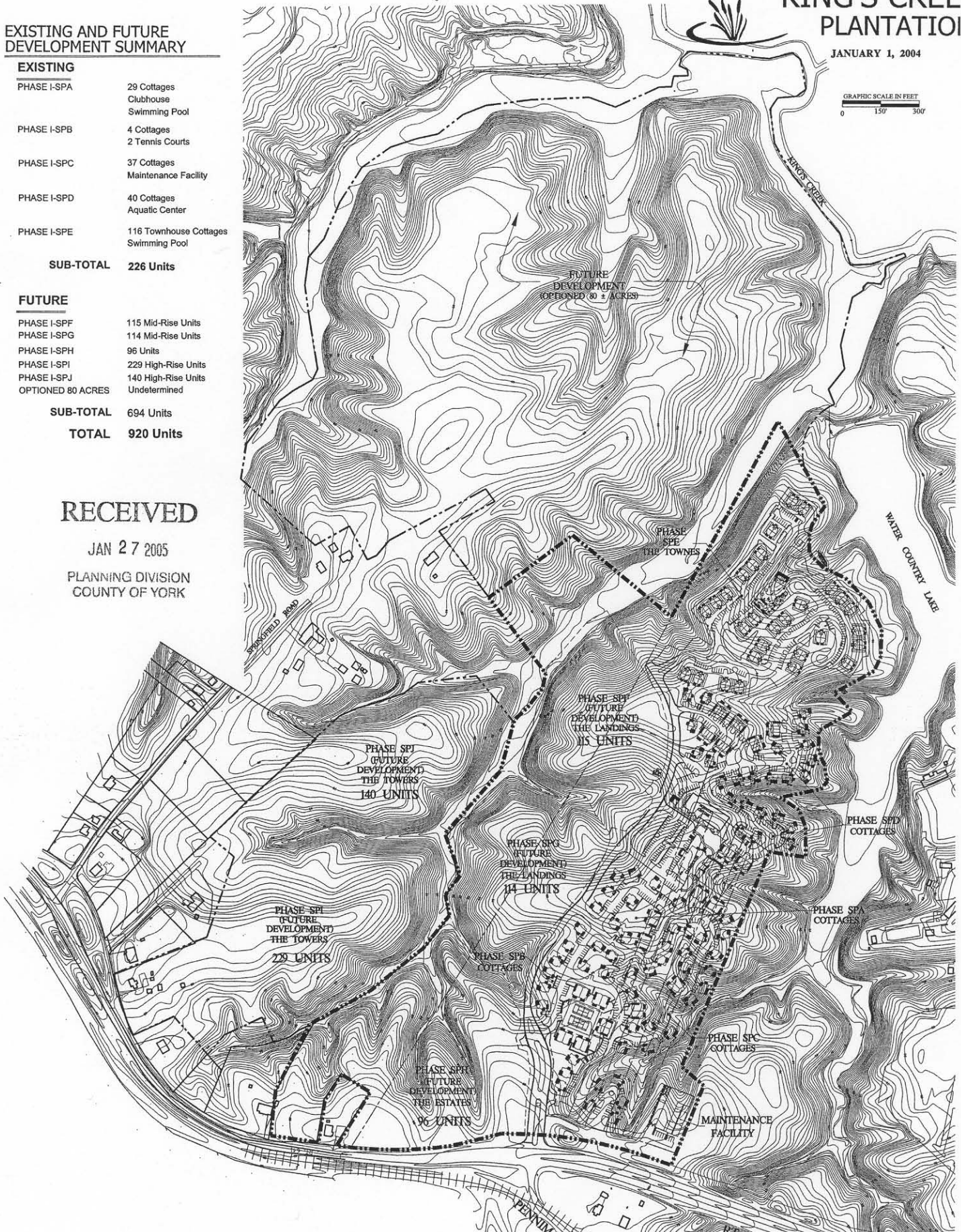
PHASE I-SPF	115 Mid-Rise Units
PHASE I-SPG	114 Mid-Rise Units
PHASE I-SPH	96 Units
PHASE I-SPI	229 High-Rise Units
PHASE I-SPJ	140 High-Rise Units
OPTIONED 80 ACRES	Undetermined
SUB-TOTAL	694 Units
TOTAL	920 Units

COMPOSITE EXHIBIT KING'S CREE PLANTATION

JANUARY 1, 2004

GRAPHIC SCALE IN FEET
0 150' 300'

RECEIVED
JAN 27 2005
PLANNING DIVISION
COUNTY OF YORK



REVISED PROFFERS

January 27, 2005

Rezoning Application No. ZM-88-04

Conditions voluntarily proffered for the reclassification of property identified as part of "Parcels E & F, Plat BK. 9, PG. 47, Being the Property of Alexander W. Jones, et ux", as shown on the Zoning Plat bearing the same description, prepared by the Landmark Design Group, Inc. and dated July 22, 2004.

I hereby voluntarily proffer that the development of the property subject to the above-described Zoning Plat and proposed for reclassification from RR (Rural Residential) to EO (Economic Opportunity) shall be in strict conformance with the conditions set forth below.

In connection with development of the property which is the subject of this Rezoning Application, it is hereby agreed that the property subject to this Rezoning Application shall be as an expansion of the King's Creek Plantation Timeshare (Interval Ownership) Development, which was the subject of Rezoning Application ZM-24-97 and Special Use Permit UP-524-97, and accordingly, with respect to the property subject to the ZM-88-04 Rezoning Application, it is agreed as follows:

(1) That the property will be developed in general conformance with the "King's Creek Plantation Jones Property Expansion Sketch Plan", (hereinafter "Sketch Plan") prepared by the LandMark Design Group, Inc., dated August 2, 2004, the original of which is on file with the Planning Department of the County of York, Virginia and the plat entitled, "Composite Exhibit King's Creek Plantation", prepared by Landmark Design Group, Inc., and dated January 1, 2004. And further, that the property will only be developed for interval ownership units of the types generally described in the narrative entitled, "King's Creek Plantation Jones Property Expansion Request for Rezoning to EO and a Special Use Permit to Allow Interval Ownership Development", dated August 2, 2004, the original of which is on file with the Planning Department of the County of York, Virginia..

(2) That on the property which is the subject of this rezoning, no building shall be constructed within 50' of the property line of the property being rezoned and adjacent property owners (the driveways, parking areas and utilities and the like being permitted within said agreed set back area). There is attached hereto and made a part hereof by reference thereto to illustrate how set back may be achieved, a Progress Print drawing entitled, "JONES ACQUISITION EXHIBIT, KING'S CREEK PLANTATION, BRUTON MAGISTERIAL DISTRICT, YORK COUNTY, VIRGINIA, KING'S CREEK PLANTATION, L.L.C.", dated January 6, 2005, prepared by LandMark Design Group; the lay out shown of the buildings is conceptual in nature and may be subject to

RECEIVED

FEB 4 2005

PLANNING DIVISION

change at the time of actual construction, provided, however, no building shall be located within 50' of any property line.

(3) That no building constructed on the subject property shall exceed four (4) stories in height.

(4) That vehicular ingress and egress to the subject property will be provided via the existing Tranquility Drive exclusively; except, however, that emergency ingress and egress only may be provided via a direct connection to Penniman Road (State Rte. 641), as shown on the Sketch Plan.

KING'S CREEK DEVELOPERS, LLC

By


Its Authorized Agent

KING'S CREEK PLANTATION

Jones Property Expansion
Request for Rezoning to EO and a Special Use Permit to Allow Interval
Ownership Development

January 27, 2005

Introduction

The current request of King's Creek Developers, LLC is to rezone portions of two existing parcels from RR (Rural Residential) to EO (Economic Opportunity) and to secure approval for a Special Use Permit (SUP) to allow the development of interval ownership structures. The subject properties are described as parcels 011-3-E and 011-3-F on the York County Assessor's Tax Map Series and are collectively referred to as the Jones Property.

Comprehensive Plan Consistency

Both parcels lie within Census Tract 507 and are designated in the "Charting the Course to 2015: The York County Comprehensive Plan" document for Economic Opportunity use. This designation "recognizes the presence of a full I-64 interchange and the potential for extension of public utilities to serve a mix of office, commercial, **tourist-related**, and light industrial uses. Any development proposals in this area should be subject to design and landscaping standards that will ensure protection of the scenic vistas and integrity of the Colonial Parkway."

The expansion of the King's Creek Plantation resort onto the subject properties will:

1. continue the implementation of the Comprehensive Plan through rezoning parcels from RR to EO that are planned for Economic Opportunity; and
2. extend public utilities within the Rte. 199 corridor; and
3. facilitate the continued construction of revenue-producing, tourism-based development.

The existing King's Creek Plantation (KCP) project, while only 24% built-out, generates **local tax** revenue from all tax categories in excess of **\$850,000 annually**. **Full-time employment** at KCP totals **125** with total **annual payroll in excess of \$6,500,000**. Additionally, as a result of KCP's promotional marketing efforts which bring thousands of prospective customers into the area annually and through the vacation visits by the timeshare owners themselves, tourism visitation in and around York County is enhanced and substantial multiplier effect revenues accrue to the County through lodging, meals and sales tax receipts.

While not visible from the Colonial Parkway, the KCP project as a whole presents a favorable “first impression” to tourists and visitors traveling to the parkway from I-64 along the Rte. 199 corridor. The proposed expansion will continue the architectural theme introduced in the first five phases of KCP, and landscaping treatments will similarly complement the extensive landscaping installed in the first five phases.

Project Proposal

The subject properties comprise two existing parcels of record. Two (2) one and a half acre each residential parcels are proposed to be subdivided out of the subject properties upon approval of the rezoning and Special Use Permit (SUP) to provide two homesites for the Sellers. These two homesites (one containing the existing home of Mrs. Jones and the other intended to accommodate a proposed home for Mrs. Jones’ daughter) will retain their existing RR zoning and will utilize existing and proposed on-site sewage disposal systems. Assuming approval of the current rezoning and SUP requests, and at such time as the property subject to this application is developed for interval ownership use, public sewer will be extended to the two homesites parcels from existing King’s Creek Plantation. Once the two homesites are served by both public water and public sewer, the parcels will qualify for a minimum lot size of one acre and will be at that time further subdivided to meet the minimum one acre lot size. The land area subdivided out of each of the two homesite lots will be conveyed to the developers of King’s Creek Plantation and thereafter become the basis for a second rezoning and SUP request to match the current request, with no additional units sought at that time.

The current rezoning and SUP request proposes up to four hundred (400) additional interval ownership units beyond the 1,100 units previously approved for King’s Creek Plantation through Board of Supervisors approval of ZM-24-97 and UP-524-97 on December 17, 1997. The additional units proposed for the Jones Property will not exceed 400 interval ownership units which may be located on buildings containing one to four stories; the interval ownership units may be attached or detached.

An interval ownership unit is defined as one or two (i.e. a principal and a lock-out) separate facilities (each to include living, cooking, sleeping and bath functions) within a structure that may or may not be consolidated to compose a single interval ownership unit, or that may be separated into two separate interval ownership facilities for purposes of sale and ownership. In either event, a single interval ownership unit for the purposes of this project includes either or both separate facilities.

No units will exceed the maximum building height of 75 feet. Parking will continue to be provided on the basis of 2.6 spaces for each “unit” that includes a principal unit and a lockout unit; if non-lockout units are proposed, parking will be provided at the rate of 1.3 spaces per unit. Site-specific stream assessments conducted in June of 2004 reveal the presence of perennial streams and resultant Chesapeake Bay Protection Areas on the site. All future development on the Jones property will be consistent with State and local requirements for CBPAs and will include appropriate stormwater best management

practices to insure compliance with the County's Environmental Management Overlay district.

The expansion area will secure routine vehicular access through the existing Tranquility Drive Intersection at Rte.199/Penniman Road only – no additional full service entrances are proposed onto Penniman Road. Emergency access only, directly into the subject properties, may be possible through gated access via the subject properties' frontage on Penniman Road if deemed beneficial by York County Fire and Life Safety.

The Sketch Plan for the current rezoning/SUP request depicts only the lands subject to the current request. The Sellers have agreed to accommodate all required transitional buffers on their homesites, above and beyond the land areas required for both primary and reserve drainfields, thereby precluding the requirement for transitional buffers on the Jones Property Expansion. However, because several adjacent properties not a party to the Jones Property Expansion are also zoned RR, transitional buffers protecting these parcels are provided on portions of the Jones Property parcels currently proposed to be rezoned. All proposed transitional buffers are reflected on the Sketch Plan. The Sketch Plan also depicts proposed parcel access, RPAs, areas of slope greater than 25% and known or suspected wetland areas (Corps of Engineers jurisdictional determination pending). A Phase I archaeological survey was completed in July, 2004, revealing no historic or cultural resources and recommending no further work on the property. Copies of this report are included in the submission for the current rezoning/SUP request. One copy is to be retained by the County; we respectfully request that the County forward the other two copies to the Virginia Department of Historic Resources for review and confirmation of the "no further work necessary" conclusions.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST
TO REZONE APPROXIMATELY 25.1 ACRES ON THE SOUTH SIDE
OF PENNIMAN ROAD FROM RR – RURAL RESIDENTIAL TO EO –
ECONOMIC OPPORTUNITY SUBJECT TO VOLUNTARILY
PROFFERED CONDITIONS

WHEREAS, King's Creek Developers, LLC has submitted Application No. ZM-88-04, which requests to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to EO (Economic Opportunity) approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), and further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2005, that Application No. ZM-88-04 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to EO (Economic Opportunity) approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), and further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F and more fully identified and described as follows:

All of that piece or parcel of land situated in the Magruder district of York County, VA containing 25.1456 acres and more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Penniman Road, State Route 641, said point being the common corner between the property herein described and property now or formerly owned by Lawrence I. Jones. Thence from said point of being along a curve to the right having a radius of 715.00' and an arc length of 50.02' to a point; thence S 26° 44' 40" E, 351.50' to a point; thence N 63° 15' 20" E, 180.69' to a point; thence S 22° 43' 40" E, 32.83' to a point; thence N 45° 00' 23" E, 7.50' to a point; thence S 44° 49' 37", 224.21' to a point; thence N 45° 10' 23" E, 249.33' to a point; thence S 44° 57' 45" E, 111.48' to a point; thence S 44° 57' 45" E, 232.26' to a point; thence S 41° 52' 45" E, 289.41' to a point; thence S 41° 29' 45" E, 59.58' to a point; thence S 44° 21' 53" E, 124.54' to a point; thence S 31° 31' 01" E, 27.01' to a point; thence S 31° 41' 53" E, 37.93' to a point; thence S 12° 03' 01" E, 115.13' to a point; thence S 26° 32' 55" E, 143.74' to a point; thence S 09° 16' 58" E, 235.50' to a point; thence S 56° 34' 50" W, 230.74' to a point; thence N 76° 38' 13" W, 189.81' to a point; thence N 51° 01' 51" W, 328.64' to a point; thence S 73° 16' 35" W, 167.41' to a point; thence N 53° 05' 20" W, 87.91' to a point; thence N 80° 39' 21" E, 89.09' to a point; thence N 52° 47' 00" W, 160.01' to a point; thence N 37° 42' 56" W, 280.28' to a point; thence N 31° 41' 51" W, 201.60' to a point; thence N 26° 55' 57" W, 47.61' to a point; thence N 26° 38' 25" W, 92.06' to a point; thence N 19° 43' 25" W, 54.28' to a point; thence N 63° 15' 25" E, 100.13' to a point; thence N 26° 44' 40" W, 166.48' to a point; thence N 49° 17' 00" W, 98.64' to a point; thence N 47° 22' 10" E, 195.27' to a point; thence N 26° 44' 40" W, 189.79' and returning to the Point of Beginning.

BE IT FURTHER RESOLVED that the Commission recommends that approval of this application be subject to the voluntarily proffered conditions as set forth in the applicant's proffer statement, titled "REVISED PROFFERS: Rezoning Application No. ZM-88-04," signed by Thomas J. Ruhf, Authorized Agent for King's Creek Developers, LLC and dated January 27, 2005, a copy of which shall remain on file in the Planning Division and which, upon approval by the Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE THE CONSTRUCTION OF UP TO
400 TIMESHARE UNITS ON PENNIMAN ROAD

WHEREAS, King's Creek Developers, LLC has submitted Application No. UP-646-04 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 11, Number 11) of the York County Zoning Ordinance, to authorize the construction of a maximum of 400 timeshare units on approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2005, that Application No. UP-646-04 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the construction of a maximum of 400 timeshare units on approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F and more fully identified and described as follows:

All of that piece or parcel of land situated in the Magruder district of York County, VA containing 25.1456 acres and more particularly described as follows:

Beginning at a point on the southerly right-of-way line of Penniman Road, State Route 641, said point being the common corner between the property herein described and property now or formerly owned by Lawrence I. Jones. Thence from said point of being along a curve to the right having a radius of 715.00' and an arc length of 50.02' to a point; thence S 26° 44' 40" E, 351.50' to a point; thence N 63° 15' 20" E, 180.69' to a point; thence S 22° 43' 40" E, 32.83' to a point; thence N 45° 00' 23" E, 7.50' to a point; thence S 44° 49' 37", 224.21' to a point; thence N 45° 10' 23" E, 249.33' to a point; thence S 44° 57' 45" E, 111.48' to a point; thence S 44° 57' 45" E, 232.26' to a point; thence S 41° 52' 45" E, 289.41' to a point; thence S 41° 29' 45" E, 59.58' to a point; thence S 44° 21' 53" E, 124.54' to a point; thence S 31° 31' 01" E, 27.01' to a point; thence S 31° 41' 53" E, 37.93' to a point; thence S 12° 03' 01" E, 115.13' to a point; thence S 26° 32' 55" E, 143.74' to a point; thence S 09° 16' 58" E, 235.50' to a point; thence S 56° 34' 50" W, 230.74' to a point; thence N 76° 38' 13" W, 189.81' to a point; thence N 51° 01' 51" W, 328.64' to a point; thence S 73° 16' 35" W, 167.41' to a point; thence N 53° 05' 20" W, 87.91' to a point; thence N 80° 39' 21" E, 89.09' to a point; thence N 52° 47' 00" W, 160.01' to a point; thence N 37° 42' 56" W, 280.28' to a point; thence N 31° 41' 51" W, 201.60' to a point; thence N 26° 55' 57" W, 47.61' to a point; thence N 26° 38' 25" W, 92.06' to a point; thence N 19° 43' 25" W, 54.28' to a point; thence N 63° 15' 25" E, 100.13' to a point; thence N 26° 44' 40" W, 166.48' to a point; thence N 49° 17' 00" W, 98.64' to a point; thence N 47° 22' 10" E, 195.27' to a point; thence N 26° 44' 40" W, 189.79' and returning to the Point of Beginning.

BE IT FURTHER RESOLVED that the Commission recommends that approval of this use permit be subject to the following conditions:

1. This Special Use Permit shall authorize the construction of a maximum of 400 timeshare units on approximately 25.1 acres of land located on the south side of Penniman Road (Route 641) approximately 600 feet west of its intersection with Springfield Road (Route 687), further identified as portions of Assessor's Parcel Nos. 11-3-E and 11-3-F.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to the commencement of any development or land clearing activities on the site. Such site plan shall be in substantial conformance with the "King's Creek Plantation, Jones Acquisition Exhibit," prepared by Landmark Design Group and dated January 6, 2005, supplemented by the applicant's narrative description titled "King's Creek Plantation: Jones Property Expansion," dated January 27, 2005, and the building rendering entitled "SPI & SPJ Building Elevation, Kings Creek Plantation Jones Tract" and dated January 6, 2005." Copies of all three documents shall remain on file in the Planning Division.
3. The maximum number of timeshare units, including "lockout units," shall be 400.
4. No buildings on the subject property shall exceed four (4) stories in height.
5. On-site parking to serve the development shall be provided at a minimum ratio of 1.3 spaces per dwelling unit.
6. The Zoning Administrator shall be authorized to require the developer to conduct a signal warrant analysis of the intersection of Tranquility Drive, Penniman Road, and Route 199 prior to the approval of any site plan for development of the property. In any event, a traffic signal warrant analysis shall be required prior to approval of the 1,101st unit in the project, if a signal has not yet been installed.
7. The developer shall provide a gated access from the subject property to Penniman Road for emergency vehicles only. No other vehicular access from the subject property to Penniman Road shall be permitted either during or after the construction process.
8. Landscaping shall be provided on both sides of the afore-mentioned gated emergency access in accordance with the planting ratios for a Type 25 (25') transitional buffer in accordance with the standards set forth in Section 24.1-243 of the York County Zoning Ordinance.
9. The entire development shall be served by public water and sanitary sewer.
10. The developer shall submit a Natural Resources Inventory in accordance with the Environmental Management Area Overlay District standards set forth in Section 24.1-372(d) of the Zoning Ordinance.

11. The timeshare resort shall consist only of residential units for which the exclusive right of use, possession, or occupancy circulates among various owners or lessees thereof in accordance with a fixed time schedule, which may vary within certain specified time periods, on a periodically recurring basis.
12. Permanent year-round occupancy of any units by any individual or family other than that of a resident manager or caretaker and his or her family shall not be permitted.
13. All agreements and restrictions pertaining to ownership and maintenance of common areas on the site shall comply fully with Section 55-360 et seq., Code of Virginia, the Virginia Real Estate Time-Share Act. Certification by the developer's legal counsel that the referenced standards have been met shall be submitted with development plans.
14. All streets, drives, and parking areas in the development shall be constructed to VDOT cross-sectional street standards.
15. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.